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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,271	07/10/2003	Joseph Rozgonyi	10491	2475
116 7590 09/04/2007 PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108			EXAMINER TUCKER, WESLEY J	
			ART UNIT 2624	PAPER NUMBER
			MAIL DATE 09/04/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/617,271	Applicant(s) ROZGONYI, JOSEPH	
	Examiner Wes Tucker	Art Unit 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>2-23-06 and 1-9-06</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S.

Patent Publication 2003/0161524 to King.

With regard to claim 1, King discloses a method for increasing the contrast between reflected and background luminescence on an object to be scanned comprising the following steps:

targeting a signal on an object to be scanned for luminescence (paragraph [0022]);

altering a variable of the signal to produce a contrast between the luminescence on the object and any background luminescence caused by a second object not to be detected (paragraphs [0023]-[0026]); and

processing the return signal to remove any background luminescence (paragraph [0025] and [0026]).

King discloses a system that determines the type of light UV or otherwise to use when imaging a target. King teaches that information from the different lighted images may be combined in order to give complete information about the different luminescent portions of the target. For example, King filters out unwanted wavelengths in order to accentuate or attenuate the contrast of certain portions of the image. King also teaches that further image processing techniques may be performed on the taken images with the knowledge of the spectrum of light used.

With regard to claim 2, King discloses the method of claim 1 wherein the altered variable is signal intensity (paragraphs [0020]-[0026]). King teaches using single multiple or selected lights as well as band pass filtered light, all interpreted as a variation in intensity.

With regard to claim 3, King discloses the method of claim 1 wherein the altered variable is UV light wavelength (paragraph [0026]).

With regard to claim 4, King discloses a method for processing the contrast between reflected and background luminescent on an object to be scanned comprising the following steps:

targeting a luminescent signal on an object to be scanned for luminescence through an optical unit (paragraph [0022]);

varying the intensity of light through the optical unit to produce a contrast between the luminescence on the object and any background luminescence (paragraphs [0023]-[0026]); and

processing the return signal to remove any background luminescence (paragraphs [0025] and [0026]).

King discloses a system that determines the type of light UV or otherwise to use when imaging a target. King teaches that information from the different lighted images may be combined in order to give complete information about the different luminescent portions of the target. For example, King filters out unwanted wavelengths in order to accentuate or attenuate the contrast of certain portions of the image. King also teaches that further image processing techniques may be performed on the taken images with the knowledge of the spectrum of light used.

With regard to claim 5, King discloses the method of claim 4 wherein the intensity of light permitted through to the object is varied by a beam splitter (paragraphs [0008] and [0021]). King discloses a dual on axis light or DOAL that is interpreted as a beam splitter.

With regard to claim 6, King discloses the method of claim 4 wherein the intensity of light, permitted to the object is varied by an optical filter (paragraph [0026]).

With regard to claim 7, King discloses a system for processing the contrast between the luminescent material of an object to be scanned and luminescent material on the background comprising:

a source of UV light to be targeted on the object (paragraph [0020]);

means for modulating the UV signal so as to change the characteristics of the signal so as to filter out background signal (paragraph [0020] and [0026]);

means for detecting the luminescent signal from the modulated UV so as filter out background luminescence (paragraphs [0020]-[0026]).

King discloses a system that determines the type of light UV or otherwise to use when imaging a target. King teaches that information from the different lighted images may be combined in order to give complete information about the different luminescent portions of the target. For example, King filters out unwanted wavelengths in order to accentuate or attenuate the contrast of certain portions of the image. King also teaches that further image processing techniques may be performed on the taken images with the knowledge of the spectrum of light used.

With regard to claim 8, King discloses a system for processing the contrast between the luminescent material of an object to be scanned and luminescent material on the background comprising:

a source of UV light to be targeted on the object containing a luminescent target material (paragraph [0020] and [0026]);

means for modulating the UV signal so as to change the characteristics of the signal so as to filter out unwanted background luminescent signal (paragraph [0020] and [0026]);

means for detecting the luminescent signal from the modulated UV so as to filter out background luminescence (paragraphs [0020]-[0026]); and

means for displaying the resultant filtered end signal (Fig. 1, element 16 and Figs. 2-4).

King discloses a system that determines the type of light UV or otherwise to use when imaging a target. King teaches that information from the different lighted images may be combined in order to give complete information about the different luminescent portions of the target. For example, King filters out unwanted wavelengths in order to accentuate or attenuate the contrast of certain portions of the image. King also teaches that further image processing techniques may be performed on the taken images with the knowledge of the spectrum of light used.

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**Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wes Tucker whose telephone number is 571-272-7427. The examiner can normally be reached on 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt Bella can be reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Wes Tucker

8-28-07



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